

**REMARKS**

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2 Applicant respectfully requests reconsideration and allowance of the  
3 subject application. Claims 13-24 are pending, of which claims 13, 16, 17, 20, 21,  
4 and 22 have been amended. The amendments to claims 13, 16, 17, 20, 21, and 22  
5 are purely of form and are not to overcome prior art. Specifically, with reference  
6 to claim 13, the Office indicates that "applicant's use of 'representing a syntax-  
7 independent programming intent' is an intended use" (*Office Action* p.3). The  
8 amendments to claims 13 and 17, for example, change the form but not the scope  
9 of this feature of the claims.

10 Applicant's amendments and remarks after Final are appropriate under  
11 37 C.F.R. §1.116 because they address the Office's remarks in the Final Action,  
12 and thus could not have been presented earlier. In addition, the amendments and  
13 remarks should be entered to place the case in better form for appeal.

**35 U.S.C. §101 Claim Rejections**

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16 Claims 21-24 are rejected under 35 U.S.C. §101 as being directed to  
17 non-statutory subject matter (*Office Action* p.4). Appropriate amendments to  
18 claims 21 and 22 have been provided herein. Accordingly, independent claim 21,  
19 as well as dependent claims 22-24, are in condition for allowance and Applicant  
20 respectfully requests that the §101 rejection be withdrawn.  
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### 35 U.S.C. §102 Claim Rejections

Claims 13-24 are rejected under 35 U.S.C. §102(b) as being anticipated by Aho et al., "Compilers: Principles, Techniques, and Tools" (1986) (hereinafter, "Aho") (*Office Action* p.6). Applicant respectfully traverses the rejection.

The Office relies on Aho which is a textbook that describes compilers. A compiler reads a program written in a particular source language and translates it into an equivalent program in a target language, such as another programming language or machine code (*Aho* p.1, §1.1).

The Office states that "Aho teaches techniques to build a compiler" which is a computer program (*Office Action* p.6) and that this is a general basis to reject the claims. Although Aho describes aspects of compiler design in Chapter 11 of the textbook, the Office only relies on an introduction to compiling in Chapter 1. Specifically, the Office refers to three analysis phases of compiling which include lexical, syntax, and semantic analysis (*Aho* p.12, §1.3). The Office recognizes that a compiler can generate a programming construct into a syntax tree during syntax analysis (*Office Action* p.6; *Aho* p.12, §1.3).

The analysis phases of compiling, as well as generating a syntax tree during compiling, are described in the Background section of the present application (p.1, line 19 – p.2, line 18). In contrast to a compiler that translates a program written in a specific programming language into another programming language or machine code, as described in Aho, Applicant describes that a program can be developed and represented by a "high-level program tree that is a syntax-independent representation" of a programmer's intent (*Description*, p.4, lines 33-37). A programmer can directly manipulate the syntax-independent program

1 tree, "which is in contrast to conventional programming systems in which a  
2 programmer manipulates a textual representation of the program that is later  
3 converted into a syntax tree during compilation" – as described in Aho.  
4 (*Description*, p.5, lines 1-5).

5  
6 Claim 13 for example, recites a method comprising "identifying a syntax-  
7 independent programming intent represented as a first node of a data structure".  
8 Aho does not show or disclose identifying a syntax-independent programming  
9 intent represented as a node of a data structure, as recited in claim 13.

10 Aho describes that during a syntax analysis phase of compiling a source  
11 program, a parse tree is generated (*Aho* p.6, §1.2). Further, Aho describes that a  
12 compiler, which is *language specific*, generates a syntax tree from a token stream  
13 that represents a programming statement during the compiling process (*Aho* p.12,  
14 §1.3). In Aho, a parse tree or syntax tree is generated from a source program  
15 during compiling. To the contrary, Applicant claims identifying a syntax-  
16 independent programming intent represented as a data structure node.

17 Accordingly, claim 13, as well as dependent claims 14-16, are allowable  
18 over Aho and Applicant respectfully requests that the §102 rejection be  
19 withdrawn.

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21 Claim 17 recites a method of handling data comprising "reading a syntax-  
22 independent programming intent represented as a first node of a hierarchical tree".  
23 Aho does not show or disclose reading a syntax-independent programming intent  
24 represented as a node of a hierarchical tree, as recited in claim 17. As described  
25

1 above in the response to the rejection of claim 13, Aho describes that a compiler  
2 generates a syntax tree from a source program (*Aho* p.12, §1.3). Aho does not  
3 show or disclose reading a syntax-independent programming intent that is  
4 represented as a node of a hierarchical tree.

5 Further, the Office rejects claim 17 as having corresponding functionality  
6 to claim 13 (*Office Action* p.7). Applicant disagrees that "reading a syntax-  
7 independent programming intent", as recited in claim 17, is a corresponding  
8 functionality to "identifying a syntax-independent programming intent", as recited  
9 in claim 13. The Office has not provided a basis for the rejection of "*reading a*  
10 *syntax-independent programming intent*" other than to state vaguely that this is  
11 "corresponding functionality" (*Office Action* p.7).

12 Accordingly, claim 17, as well as dependent claims 18-20, are allowable  
13 over Aho and Applicant respectfully requests that the §102 rejection be  
14 withdrawn.

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16 Claim 21 recites a data structure comprising "a first node received as an  
17 input and configured for display as a representation of a syntax-independent  
18 programming intent". Aho does not show or disclose a node of a data structure  
19 "received as an input and configured for display as a representation of a syntax-  
20 independent programming intent", as recited in claim 21. As described above in  
21 the response to the rejection of claim 13, Aho describes that a compiler generates a  
22 syntax tree from a source program (*Aho* p.12, §1.3). Aho does not show or  
23 disclose that a node of a data structure can be received as an input.  
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1 Accordingly, claim 21, as well as dependent claims 22-24, are allowable  
2 over Aho and Applicant respectfully requests that the §102 rejection be  
3 withdrawn.

4  
5 **Conclusion**

6 Pending claims 13-24 are in condition for allowance. Applicant  
7 respectfully requests reconsideration and issuance of the subject application. If  
8 any issues remain that preclude issuance of this application, the Examiner is urged  
9 to contact the undersigned attorney before issuing a subsequent Action.

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11 Respectfully Submitted,

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13 Dated: Oct 15, 2003

14 By: David A. Morasch

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